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| **ART UNIT** | **PAPER NUMBER** |
| 1655 | |

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/070,656 | MERIZZI, GIANFRANCO | |
| | Examiner | Art Unit | |
| | Michele Flood | 1655 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10 and 12-20* is/are pending in the application.

4a) Of the above claim(s) *5,8,9,13-16,19 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7,10,12,17 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/8/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of the species of Claims 6 in the reply filed on October 18, 2004 is acknowledged. Applicant considers that Claims 6, 7, 12, 18 and 19 read on the elected species. Further acknowledgement is made of the receipt of the declaration filed under 35 U.S.C. 1.132 filed by Pier Antonio Bacci on October 18, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The claims have been examined insofar as they read on the elected invention of Claim 6 readable upon Claims 1-4, 6, 7, 10, 12, 17 and 18.

Claims 1-4, 6, 7, 10, 12, 17 and 18 are under examination.

### *Specification*

The disclosure is objected to because of the following informalities: "catechine", "epicatechine" and "cumarine" are misspelled. The correct spellings are catechin, epicatechin and cumarin or coumarine. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

Claims 1-4, 6, 7, 10, 12, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of Claim 1, line 1, are rendered vague and indefinite by the phrase, "based on plant extracts", because it is unclear as to whether the claim-designated composition comprises extracts or the actual constituents which are claimed. The lack of clarity does not allow one of ordinary skill in then art to ascertain what is in the instantly claimed composition.

Claim 3, line 2, recites the term "phytomsomal form". This term is not clearly understood, and is not specifically defined in the specification. It is not known what Applicant means by this term; and, thus, the metes and bounds of the claim are not clearly delineated. For the purpose of expeditious prosecution of the claimed invention, this claim was examined on the merits as if it meant that the extracts were plant extracts.

The metes and bounds of Claims 6 and 7 are rendered uncertain because the percentage amounts of the claim-designated ingredient are not set forth in terms of either "by weight" or "by volume" percentage amount of the total composition. The lack of clarity renders the claims indefinite since the resulting claims do not clearly set forth the metes and bounds of the patent protection desired.

The metes and bounds of Claims 7 are uncertain because it is unclear as to the identification of the ingredients to which Applicant intends to direct the subject matter. Although the use of common names or traditional/ethnopharmacological names is permissible in patent applications, the standard Latin genus-species name of each ingredient should accompany non-technical nomenclature as a means for identifying the

subject botanical and animal matter noted in this application. This rejection is made with particular regard to the term "artichoke" recited in line 4 of Claim 7.

All other cited claims depend directly or indirectly from rejected claims and are, therefore, also, rejected under U.S.C. 112, second paragraph for the reasons set forth above.

***Claim Objections***

Claims 1 and 6 are objected to because of the following informalities:

There are apparent misspellings in Claim 1. Applicant may overcome the objection by replacing "catechine" with catechin in line 5; by replacing "epicatechine" with epicatechin in line 5; and, by replacing "cumarine" with cumarin in line 6.

There is an apparent misspelling in Claim 6, line 5. Applicant may overcome the objection by replacing "leucocyanidine" with leucocyanidin.

With regard to Claim 6, line 7, Applicant should capitalize the "c" in "centella" to place the claim in proper grammatical form.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

Claims 1-4, 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily Telegraph (U) in view Pointel et al. (V), as further evidenced by of Bosisio et al. (W), Ayroles et al. (A*), Bombardelli et al. (B*), Motoyama et al. (D*),

Bombardelli et al. (C*), Costantini et al. (X1), Pabst et al. (V1), Kiesewetter et al. (W1) and Moro et al. (X). Newly applied as necessitated by amendment.

Applicant claims a composition based on plant extracts, with an antioxidant activity which is useful for the treatment of adiposity and cellulitis in humans wherein the composition comprises: biflavones of *Gingko biloba*, catechin and/epicatechin, cumarin or derivatives thereof, iodine, and a component chosen from among madecassic acid, asiatic acid, asiaticoside, and mixtures of these. Applicant further claims the composition according to claim 1, wherein the composition is obtained by mixing plant extracts. Applicant further claims the composition according to claim 2, wherein the extracts are in phytosomal form. Applicant further claims the composition according to claim 1, wherein the composition further includes flavonol glucosides and lactonic terpenes. Applicant further claims the composition according to claim 1 in a pharmaceutical form suitable for oral administration to a human.

Daily Telegraph (DT) teaches a composition comprising dried extract of *Gingko biloba (*biflavones), grape seed bioflavonoids (leucocyanidin); dried sweet clover extract (cumarin and/or derivatives thereof; *Melilotus* extract); *Fucus vesiculosus* (iodine); evening primrose oil (also known in the art as borage oil); fish oil; and Soya lecithin. DT teaches that the composition is useful for the treatment of adiposity and cellulitis in humans. Other than biflavones of *Gingko biloba* extract and bioflavonoids of grape seed extract, DT is silent as to the chemical compounds contained therein the referenced composition. However, given that DT teaches that the referenced composition has anti-cellulite activity and enables fat to be used at a faster rate by

increasing the body's metabolic rate; and, given that Applicant readily admits that leaf extract of *Gingko biloba* is a good source for biflavones, flavone glucosides and lactonic terpenes; and, given that Applicant readily admits that grape seed (*Vitis vinifera*) extract is a good source of catechin and/or epicatechin, such as leucocyanidin; and, given that Applicant readily admits that *Melilotus* extract is a good source for cumarin; and, given that Applicant readily admits that *Fucus vesiculosus* is a good source for iodine, absent evidence to the contrary, each of the claim-designated ingredients except for a component chosen from among madecassic acid, asiatic acid, asiaticoside and mixtures thereof recited in Claim 1 are considered inherent to the composition taught by DT. Furthermore, with regard to *Gingko biloba*, Bosisio, as well as Ayroles, Bombardelli (B*), Motoyama, teaches that *Gingko biloba* extract inherently contain biflavones, such as amentoflavone, bilobetin, sequoiaflavone, ginkgetin, isoginkgetin and sciadopitysin, all of which exert lipolytic activity and anti-inflammatory and vasoprotective properties, which promote skin microcirculation and lipolysis; thereby providing symptomatic relief of cellulitis, a condition associated with chronic venous insufficiency and venous statis in humans. Secondly, both Bombardelli (C*, US 4,963,527) and Costantini teach that catechin, epicatechin and proanthocyanidine are inherent to *Vitis vinifera* and that these substances are beneficial in the treatment of patients with chronic venous insufficiency. Thirdly, as evidenced by Pabst coumarin and hydrocoumarine are inherent to extracts of *Melilotus* containing 0.9% coumarin and 0.2% hydrocoumarin as having favorable influence on blood circulation; and, Kiesewetter showed that *Melilotus* extract was effective in the treatment of venous insufficiency, on page S74, paragraphs 6 and 7.

Finally Moro teaches that iodine is inherent to *Fucus vesiculosus* extract and is useful in the treatment of both obesity and cellulite. *See* Table 3, on page 596. Moro further teaches *Gingko biloba* as a medicinal plant useful for treating vascular diseases and *Hydrocotyle asiatica* (*Centella*) as a medicinal plant useful for treating cellulite in Table 3. On page S77, in Table 5, Moro also recommends daily dosage amounts for each active ingredient contained therein the claim-designated plant extracts of *Fucus vesiculosus, Gingko biloba* and *Hydrocotyle asiatica* (*Centella*) as 0.070-0.80 mg of *Fucus vesiculosus* (containing iodine); 3.2-5.4 mg of *Gingko biloba* (containing bioflavonoids, flavone glucosides, such as quercitin and luteolin); and 100-124 mg of total triterpenes: asiaticoside). Thus, with the exception for a component chosen from among madecassic acid, asiatic acid, asiaticoside and mixtures thereof recited in Claim 1, it is deemed that the composition taught by DT inherently contain all of the instantly claimed designated phytochemical constituents, as well as, the claim-designated amounts of *Gingko biloba* biflavone extract, leucocyanidin, *Melilotus* extract and *Fucus vesiculosus* extract, absent evidence to the contrary.

The teachings of DT are set forth above. DT teaches the claimed composition except for a component selected from the group consisting of madecassic acid, asiatic acid, asiaticoside, and mixtures thereof; and/or *Centella* extract. However, it would have been obvious to one of ordinary skill in the art to add the instantly claimed ingredients to the composition taught by DT to provide the claimed composition because at the time the invention was made it was known in the that the claimed ingredients were useful in the making of compositions which are used in the treatment

of problematic circulatory disease conditions, as evidenced by the teachings of Pointel. For instance, Pointel teaches an extract of *Centella asiatica* comprising asiatic acid, madecassic and asiatocide, which was administered to patients in effective dose amounts for the treatment of venous insufficiency of the lower limbs and edema. At the time the invention was made, one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation to add the ingredients taught by either Pointel to the composition taught by DT to provide the instantly claimed invention because Pointel taught that compositions comprising the total triterpene fraction of extract of *Centella, e.g.,* madecassic acid, asiatic acid and asiaticoside, was beneficial in treating clinical symptoms associated with cellulitis, such as venous insufficiency by metabolic modification of vascular conjunctive tissue.

Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add any of the claimed ingredients in the making of the claimed methods because it is well known that its *prima facie* obvious to combine two or more ingredients each of which is taught by the prior art to be useful for the same purpose in order to form a third composition which is useful for the same purpose. The idea for combining them flows logically from their having been used individually in the prior art. *In re Pinten,* 459 F. 2d 1053, 173 USPQ 801 (CCPA 1972); *In re Susi,* 58 CCPA 1074, 1079-80; 440 F.2d 442, 445; 169 USPQ 423, 426 (1971); *In re Crockett,* 47 CCPA 1018, 1020-21; 279 F.2d 274, 276-277; 126 USPQ 186, 188 (1960). Thus, at the time the invention was one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to add the claimed

ingredients taught by Pointel to the composition taught by DT to provide the claimed composition and method of use thereof because the claimed composition is no more than the combining of well known ingredients used in well known methods for the treatment of adiposity and circulatory disease conditions, such as cellulitis in humans.

As each of the references indicate that the various proportions and amounts of the ingredients used in the claimed composition or the claimed composition/pharmaceutical combinations and method of use thereof are result variables, they would have been routinely optimized by one of ordinary skill in the art in practicing the invention disclosed by each of the references.

Accordingly, the claimed invention was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

Claims 1-4, 6, 10, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily Telegraph (U) and Pointel et al. (V) in view of Bosisio et al. (W), Ayroles et al. (A*), Bombardelli et al. (B*), Motoyama et al. (D*), Bombardelli et al. (C*), Costantini et al. (X1), Pabst et al. (V1), Kiesewetter et al. (W1) and Moro et al. (X). Newly applied as necessitated by amendment.

Applicant's claimed invention of Claims 1-4 and 10 was set forth above. Applicant further claims a composition according to claim 1, wherein the composition is obtained by mixing plant extracts in the following percentages by weight: 1.5-32% of *Gingko biloba* biflavone extract; 6-80% of leucocyanidin; 1.5-32% of *Melilotus* and/or

and *Aesculus hippocastanum* extract; 1.5-32% of *Centella* extract; 1.5-85% extract of *Fucus vesiculosus*. Applicant further claims a composition according to claim 6 further comprising 1.5-32 wt% of standardized *Gingko biloba* extract containing flavone glucosides and lactonic terpenes.

The combined teachings of DT and Pointel are set forth above. For the reasons set forth clearly above, except for a component selected from among madecassic acid, asiatic acid, asiaticoside and mixtures thereof, the Office considers that each of biflavones of *Gingko biloba* extract, catechin and/or epicatechin, cumarin or derivatives thereof, and iodine are inherent to the composition taught by DT. However, since DT is silent to the percentages by weight of the plant extracts and their corresponding phytochemical constituents contained therein the referenced composition, Applicant may argue evidence to the contrary. Thus, in the alternative, even if the plant extracts contained therein the composition taught by DT do not inherently comprise each of the claim-designated ingredients recited in Claim 1 except for the aforementioned components or mixtures thereof, the instantly claimed composition still would have been obvious to one of ordinary skill in the art within the meaning of USC 103 because, at the time the invention was made, Bosisio demonstrated that a *Gingko biloba* extract enriched in biflavones inhibited cAMP phosphodiesterase (PDE) in a concentration dependent fashion, and thereby increased lipolytic activity; Ayroles taught that the oral administration of an extract of *Gingko biloba* containing biflavones and flavone glucosides as active substances well known in the art for the treatment of venous circulation and that the referenced extracts comprised the same percentage weight

amounts as instantly claimed by Applicant; Bombardelli (B*, US 5,202,313) taught oral administration of effects amounts of *Gingko biloba* complex with phospholipids is beneficial in the treatment of inflammatory and peripheral disorders; and, Motoyama taught that extracts of *Gingko biloba* containing biflavones in effective amounts are useful for lowering blood viscosity in the arteries and veins, vasodilation and blood flow velocity, which are all useful in the treatment of cellulite. Secondly, Bombardelli (C*, US 4,963,527) taught administration of 5 mg to 250 mg per day of a medicament containing an extract of *Vitis vinifera* comprising catechin, epicatechin and proanthocyanidine B1 complexed with soy phospholipids was useful for the treatment of venous insufficiencies due to its vascular protecting activity and ability to reduce capillary permeability and fragility, in Column 1 to Column 2, line 63. Similarly, Costantini taught that the oral administration of procyanidins extracted from *Vitis vinifera* (100 mg/day) is beneficial in the treatment of patients with chronic venous insufficiency. Thirdly, while Pabst taught an extract of *Melilotus* containing 0.9% coumarin and 0.2% hydrocoumarin as having favorable influence on blood circulation, Kiesewetter demonstrated the beneficial functional effects of these substances to treat chronic venous insufficiency. Fourthly, as set forth above, Moro taught that the requisite active phytochemicals and requisite dosage amounts of each of *Gingko biloba, Fucus vesiculosus*, as well as *Hydrocotyle asiatica* (*Centella*), required for the making of compositions comprising plants useful in treatment of cellulite and obesity in humans. Thus, at the time the invention was made, one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to modify the phytochemical makeup of the plant

extracts contained therein the composition taught by DT (if not already inherent therein) such that the plant extracts contained *Gingko biloba* flavones, catechin and/or epicatechin, cumarin or derivatives thereof, and iodine and to adjust the amounts of the plant extracts contained therein to the claim-designated percentage weight ranges to provide the instantly claimed composition because it was known in the art of herbal medicine that effective amounts of plant extracts, such as those comprising the composition taught by DT, which comprised the claim-designated active phytochemicals with the exception of a component selected from among madecassic acid, asiatic acid, asiaticoside and mixtures thereof were useful in the making of compositions useful for the treatment of adiposity and cellulitis in humans. Thus, it would have been obvious to one of ordinary skill in the art, and one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to add the composition taught by Pointel to the obviated composition taught by DT and the aforementioned prior art to provide the instantly claimed invention because Pointel taught that compositions comprising the total triterpene fraction of extract of *Centella, e.g.,* madecassic acid, asiatic acid and asiaticoside, was beneficial in treating clinical symptoms associated with cellulitis, such as venous insufficiency by metabolic modification of vascular conjunctive tissue.

Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add any of the claimed ingredients in the making of the composition and method of use thereof because it is well known that its *prima facie* obvious to combine two or more ingredients each of which is taught by the prior art to

be useful for the same purpose in order to form a third composition which is useful for the same purpose. The idea for combining them flows logically from their having been used individually in the prior art. *In re Pinten,* 459 F. 2d 1053, 173 USPQ 801 (CCPA 1972); *In re Susi,* 58 CCPA 1074, 1079-80; 440 F.2d 442, 445; 169 USPQ 423, 426 (1971); *In re Crockett,* 47 CCPA 1018, 1020-21; 279 F.2d 274, 276-277; 126 USPQ 186, 188 (1960).

As each of the references indicate that the various proportions and amounts of the ingredients used in the claimed composition or the claimed composition/pharmaceutical combinations are result variables, they would have been routinely optimized by one of ordinary skill in the art in practicing the invention disclosed by each of the references.

Accordingly, the claimed invention was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

Claims 1-4, 6, 7, 10, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily Telegraph (U), Pointel et al. (V), Bosisio et al. (W), Ayroles et al. (A*), Bombadelli et al. (B*), Motoyama et al. (D*), Bombadelli et al. (C*), Costantini et al. (X1), Pabst et al. (V1), Kiesewetter et al. (W1) and Moro et al. (X) in view of Martinet et al. (U1) and Bombardelli et al. (U2). Newly applied as necessitated by amendment.

Applicant's claimed invention of Claims 1-4, 6, 10 and 12 was set forth above. Applicant claims a composition according to claim 6, further comprising one or more of the following relative to 100 parts of the composition from 1.5-32% by weight of *Ilex paraguariensis* extract; from 1.5-32% by weight of artichoke extract; from 5 to 80% by weight of fish oil; and from 30 to 120% by weight of borage oil.

The combined teachings of Daily Telegraph, Pointel, Bosisio, Ayroles, Bombardelli et al. (B*), Motoyama, Bombardelli, Costantini, Pabst, Kiesewetter and Moro are set forth above. The combined teachings of Daily Telegraph, Pointel, Bosisio, Ayroles, Bombardelli et al. (B*), Motoyama, Bombardelli, Costantini, Pabst, Kiesewetter and Moro teach the instantly claimed invention except for the claim-designated amounts of *Aesculus hyppocastanum* extract and *Ilex paraguariensis* extract and artichoke extract. However, it would have been obvious to one of ordinary skill in the art, and one of ordinary skill in the art would have been motivated and would have had a reasonable expectation of success to add the instantly claimed ingredients to the composition taught by the combined teachings of Pointel, Bosisio, Ayroles, Bombardelli et al. (B*), Motoyama, Bombardelli, Costantini, Pabst, Kiesewetter and Moro to provide the instantly claimed composition because at the time the invention was made Martinet taught that effective amounts of *Ilex paraguariensis* extract and artichoke extract were in the art of herbal medicine as having lipolytic activities and that *Fucus vesiculosus* extract was known to increase metabolic function and Bombardelli (U2) taught that the oral administration of 30 mg of an extract of *Aesculus hippocastanum* (HCE) is useful in the treatment of chronic venous insufficiency on page 494, fourth paragraph, lines 1-2.

Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add any of the claimed ingredients in the making of the claimed composition and the claimed method of use thereof because it is well known that its *prima facie* obvious to combine two or more ingredients each of which is taught by the prior art to be useful for the same purpose in order to form a third composition which is useful for the same purpose. The idea for combining them flows logically from their having been used individually in the prior art. *In re Pinten,* 459 F. 2d 1053, 173 USPQ 801 (CCPA 1972); *In re Susi,* 58 CCPA 1074, 1079-80; 440 F.2d 442, 445; 169 USPQ 423, 426 (1971); *In re Crockett,* 47 CCPA 1018, 1020-21; 279 F.2d 274, 276-277; 126 USPQ 186, 188 (1960).

As each of the references indicate that the various proportions and amounts of the ingredients used in the claimed composition or the claimed composition/pharmaceutical combinations and the method of use thereof are result variables, they would have been routinely optimized by one of ordinary skill in the art in practicing the invention disclosed by each of the references.

Accordingly, the claimed invention was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is 571-272-0964. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on 571-272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michele Flood
Primary Examiner
Art Unit 1655

MCF
August 7, 2006

Michele C. Flood.
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PRIMARY EXAMINER